IN THE DRAWINGS

Kindly replace Fig. 3 and Fig. 4, which are contained on page 2 of 3 of the initially filed drawings with the Replacement Sheet, attached hereto in Appendix A. No new matter has been added. Fig. 4 has been amended to remove the reference numerals 42 and 43.

REMARKS

Entry of this Amendment, reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the amendments made to the claims and the remarks made herein.

Claims 1-20 are pending.

Claims 1, 2, 3, 5, 6, 8-14, 16, 17, 19 and 20 stand rejected. Claims 4, 7, 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claim.

Claims 10-12 have been amended. No new matter has been added. Claims 9 and 20 have been cancelled

The examiner has objected to the drawings because they include reference characters not mention in the description. More specifically, Figure 4, references 42 and 43 are shown but not mentioned in the specification.

Applicant wishes to thank the examiner for his observation and has elected to provide an amended Figure 4 on the Replacement Sheet included in Appendix A attached hereto, which removes the referred-to reference labels.

Having provided an amended Figure 4 to remove the objected to labels, applicant submits that the reason for the examiner's objection to the drawing has been overcome. Applicant respectfully requests entry of the amended drawing and withdrawal of the objection.

The specification has been objected to for lacking section headings. Applicant respectfully submits that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure. Applicant respectfully submits that the present disclosure follows the suggested format where applicable. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, Applicant respectfully submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) "should" be preceded by a section heading. Applicant respectfully declines at this time to amend the disclosure to include same.

Having responded in full to the examiner's reason for objecting to the specification, applicant respectfully requests withdrawal of the objection.

With regard to the objection to the claims because of informalities, applicant wishes to thank the examiner for his observation and has amended the claim section accordingly.

Having amended the claim section as suggested by the examiner, applicant submits that the reason for the examiner's objection has been overcome. Applicant respectfully requests entry of the amendment and withdrawal of the objection.

Claim 11 stands rejected under 35 USC 112, first paragraph as failing to comply with the enablement requirement.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claim. However, in the interest of advancing the prosecution of this matter applicant has amended claim 11 to more clearly state the invention.

Having amended the claim to more clearly recite the structure, applicant submits that the examiner's reason for rejecting the claim has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Claims 9 and 20 stand rejected under 35 USC 112, second paragraph as being indefinite.

Applicant respectfully disagrees with the examiner. However, in the interest of advancing the prosecution of this matter applicant has elected to cancel claims 9 and 20.

Having cancelled claims 9 and 20 applicant submits that the reason for the examiner's rejection of the claims is no longer pertinent. Applicant respectfully requests withdrawal of the rejection.

Claims 1, 2, 10, 12, and 12 stand rejected under 35 USC 102(e) as being anticipated by USP No. 6,658,048 to Valio.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims.

Valio, as read by applicant, teaches a method for compensating for multipath component in a received CDMA signal comprising a repetitive PRN code using early, late and prompt delay times for determining if a multipath component is present in the received signal and making adjustment to the delay time of the replica code generated by the receiver. Valio discloses using a plurality of correlators (E,P, L),. (see Figure 1) each operating at a specified delay time. The target signal is applied to each correlator and a plurality of correlated outputs (E-L) are generated by repeatedly adjusting the delay time until a maximum correlation value (E-L) is reached. The delay associated with the maximum correlation output value is then selected to represent the code phase error. (See col. 6, lines 32-51, and col. 7, lines 7-24).

Hence, Valio teaches selecting a delay factor (code phase error) to synchronize the target signal by determining a maximum correlation value (E-L). Valio fails to teach "determining the code phase error ... from a modified early-minus-late [(E-L)]correlation function derived from the early and late correlation values ... such that its gradient at zero code phase error is increased compared to the true early-minus-late correlation function," as is recited in the claims. Rather Valio teaches determining a maximum E-L value as the code phase error and does not consider either modified E-L value derived from the E-L value as the code phase error or an increased gradient at zero code phase error.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Valio cannot be said to anticipate the present invention, as recited in claim 1, because Valio fails to disclose "a modified early-minu-late correlation function ... such that its gradient at zero code phase error is increased compared to the true early-minus-late correlation function."

Having shown that Valio fails to disclose each and every element claimed, applicant submits that the reason for the examiner's rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to independent claims 12 and 13, these claims each recite an apparatus for implementing the method recited in claim 1 and the examiner has rejected

these claims citing the same reference used in rejecting claim 1. Accordingly, the applicant's remarks made in response to the examiner's rejection of claim 1 are also applicable in response to the examiner's rejection of claims 12 and 13. Accordingly, in view of the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claims 12 and 13, applicant submits that the examiner's rejection of claims 12 and 13 have been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 2, and 10, these claims depend from independent claim 1, which has been shown to be allowable in view of the cited references. Accordingly, claims 2 and 10 are also allowable by virtue of its dependence from an allowable base claim.

Claims 3, 5, 6, 8, 14 16, 17 and 19 stand rejected under 35 USC 103(a) as being unpatentable over Valio in view of USP No. 5,640,416 to Chalmers.

It is the examiner position that with regard to claim 3 Valio fails to teach the reduction of at least one odd harmonic of [the] subject signal. Chalmers teaches a downconverter and filtering technique to remove an odd harmonic. It would have been obvious ... to combine Chalmers' filtering techniques with Valio's invention to produce a system with improved filtering to reduce acquisition times and improve receiver performance.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

As shown, and contrary to the examiner's position, Valio fails to disclose a modified E-L measure as is recited in the claims. The examiner further refers to the

pages 1 and 2 of the specification that such teachings are well-known in the art (i.e., USP No. 5,890,113 to Takagi).

Chalmers teaches a digital despreader and downconversion technique useful for spread spectrum communication receivers that digitally tracks a,timing phase of a PN sequence without the need for steering an external hardware clock. Chalmers teaches filtering the harmonics from an input signals. However, Chalmers fails to disclose determining a modified E-L measure that increases the gradient at zero code phase error, as recited in the claim.

Neither Valio nor Chalmers, individually or in combination, discloses or suggests all the elements of the present invention as neither teaches determining delay based on a modified E-L value. Further, even if the devices of Valio and Chalmers were combined, as suggested by the examiner, the combined device would not disclose all the elements of the invention recited in claims 1, 12 or 13, from which the above referred-to claims depend and, hence, would not perform the processing steps disclosed. For example, the combination of Valio and Chalmers would not include any processing step where the "modified early-minus-late correlation function being such that its gradient at zero code phase error is increased compared to the true early-minus-late correlation function," as is recited in the claims.

Having shown that the combined device resulting from the teachings of the cited references does not include all the elements of the present invention, applicant submits that the reasons for the examiner's rejections of the claims have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

Claims 1 and 12 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 8 of co-pending Application No. 09/726,760.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. As the examiner states the claims are not identical and, hence, applicant elects not to provide a terminal disclaimer at this time.

Claims 4, 7, 15 and 18 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.
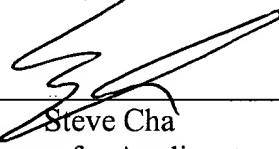
Applicant wishes to thank the examiner for his indication of allowable subject matter. However, in view of the amendments made to the claims and the remarks made herein, applicant believes that all the claims are in an allowable and elects not to amend the claims as suggested by the examiner at this time.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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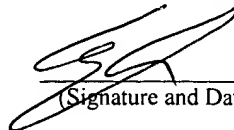Attorney for Applicant
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